

Attorney Docket No.: J3672(C)  
Serial No.: 10/518,320  
Filed: August 17, 2005  
Confirmation No.: 6742

### **REMARKS**

New claim 11 specifies that the Brønsted acid groups are selected from carboxylic acid groups, sulphonic acid groups, and phosphonic acid groups, and further specifies that the Brønsted acid groups may be present in their protonated form or in their neutralized form as salt groups. See, for example, page 9, lines 17 to 30. New claim 12 specifies that the polymer comprising Brønsted acid groups has an acid value of greater than 320. See, for example, page 10, lines 23 to 26. Entry of these amendments is respectfully requested

Claims 1 to 10 stand rejected under 35 U.S.C. 102(b) as anticipated by Cai et al. (US 6,451,295). This rejection is respectfully traversed.

Pursuant to the subject invention it was found that the efficacy of water-in-oil emulsions comprising an antiperspirant salt and an emulsifier may be enhanced by formulating the composition as an emulsion wherein the antiperspirant active is dissolved in an aqueous phase and a polymer comprising Brønsted acid groups is incorporated into the composition in a phase separate from the dissolved antiperspirant salt. Thus, the compositions of this invention may, for example, be formulated as emulsions wherein the polymer comprising Brønsted acid groups is suspended as a solid in an oil continuous phase or, alternatively, where an aqueous solution of the polymer comprising Brønsted acid groups is emulsified as a separate dispersed aqueous phase. Whether added in the oil phase or as a separate aqueous phase, the polymer comprising Brønsted acid groups is maintained separate from the phase containing the antiperspirant salt. At page 3, beginning at line 3, the application notes:

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The polymer comprising Brønsted acid groups serves to enhance the performance of the antiperspirant salt when the two components come into intimate contact on application. However, it is important that intimate contact between the two components is prevented prior to their application and it is for this reason that the polymer comprising Brønsted acid groups is applied as a separate phase. Premature interaction between the two components leads to the production of a water-insoluble complex that is not an effective antiperspirant. (Emphasis added).

Cai et al. discloses antiperspirant and/or compositions that are characterized as clear sticks. The compositions are formed by incorporating at least 8% by weight, based on the total weight of the composition, of a selected siliconized polyamide into a product formulated with at least one silicone material and at least one non-silicone emollient. The outstanding Office Action cites the reference to polyvinyl alcohol at column 6, lines 10-12 as a disclosure of a polymer comprising Brønsted acid groups. Applicants respectfully submit that polyvinyl alcohol (PVA) is not a polymer comprising Brønsted acid groups. Moreover, it is noted that in the context of this disclosure, polyvinyl alcohol is mentioned as a component that may be present in the internal phase of the composition together with the cosmetically active ingredient, e.g., the antiperspirant active. Were PVA a polymer comprising Brønsted acid groups as taught by the subject application, it is believed that its inclusion in the phase that contains the antiperspirant active would result in the formation of an insoluble complex. It is respectfully submitted that the rejection over Cai et al. is erroneous and should be withdrawn.

In view of the foregoing amendments and remarks, reconsideration and allowance of the subject claims is respectfully requested.

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If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karen E. Klumas', written over a horizontal line.

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